THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE G.BHAVANI PRASAD

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WRIT PETITION NO.3564 of 1997

4th June 2007

Between:

Smt.B.Padmavathi, W/o.B.Prahlad, 42 years, Household-cum-Landlady, R/o.H.No.8-3-431/7/1, Yellareddyguda, Hyderabad.

...PETITIONER

AND

1. Dr.Thakur Beerpal Singh, S/o.Laxman singh, H.No.13-2, 372/1, Dhoolpet, Jai Hanuman Police Quarters, Raheempura, Hyderabad.

And seven others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE G.BHAVANI PRASAD

WRIT PETITION NO.3564 of 1997

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Sri Bankatlal Mandhani, learned counsel appearing on behalf of the petitioner and Sri K.Vinaya Kumar and Sri K.Raghuveer Reddy, learned counsel appearing on behalf of the respondents.

The petitioner is the unsuccessful applicant before the Special Court under the A.P. Land Grabbing (Prohibition) Act, 1982, who sought to assail the rejection of her application filed under Section 8 (1) of the A.P. Land Grabbing (Prohibition) Act, 1982 ('the Act' for brevity) in L.G.C.No.3 of 1995 vide order dated 10.02.1997.

The facts of the case, in brief, are that in respect of the scheduled property consisting of a building, she claims that the contesting respondents are the land grabbers. Now the

complaint is that after regular trial, where both the sides have let in their evidence, the Court below, by holding that the land being under the provisions of the Act, dismissed her application. Hence, the Writ Petition.

Having heard the counsel on either side and on perusal of the material available on record, the only question that arise for consideration is that the expression as used in the provisions of the Act as to the land would include the building, which this Court has already considered in W.P.Nos.16165 and 19727 of 2000 to the effect that the land includes building. Even otherwise, by reading the provisions of the Act, the land in its purview includes buildings and constructions also.

Having regard to the above, the Writ Petition is allowed. No costs. The order dated 10.02.1997 in L.G.C.No.3 of 1995 is set aside and the matter is remitted to the Court below for fresh disposal on merits after giving notice and opportunity to both the sides. It is needless to mention that both the sides are at liberty to let in fresh evidence, if any.

(B.PRAKASH RAO, J)

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(G.BHAVANI PRASAD, J)

4th June 2007
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